

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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Teglholm Allé 13
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Modtaget den
13 JUNI 2005
Awapatent A/S
PCT

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 66)

		Date of mailing (day/month/year)	09.06.2005
Applicant's or agent's file reference 99000536/CHE		REPLY DUE	within 2 month(s) from the above date of mailing
International application No. PCT/IB 03/03868	International filing date (day/month/year) 10.09.2003	Priority date (day/month/year) 10.09.2003	
International Patent Classification (IPC) or both national classification and IPC H04L29/08			
Applicant NOKIA CORPORATION et al.			

- The written opinion established by the International Searching Authority:
 is is not
 considered to be a written opinion of the International Preliminary Examining Authority
- This first report contains indications relating to the following items:
 Box No. I Basis of the opinion
 Box No. II Priority
 Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 Box No. IV Lack of unity of invention
 Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 Box No. VI Certain documents cited
 Box No. VII Certain defects in the international application
 Box No. VIII Certain observations on the international application
- The applicant is hereby **invited to reply** to this opinion.
When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).
How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
Also: For the form and the language of the amendments, see Rules 66.8 and 66.9.
 For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
 For an informal communication with the examiner, see Rule 66.6.
 For an additional opportunity to submit amendments, see Rule 66.4.
If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary report on patentability
(Chapter II of the PCT) must be established according to Rule 69.2 is: 10.01.2006

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Huber, O Telephone No. +49 89 2399-8967
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WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY

1AP2003 2000
International application No.
PCT/IB 03/03868

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this opinion is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-24 as published

Claims, Numbers

1-27 as published

Drawings, Sheets

1/4-4/4 as published

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY**

International application No.
PCT/IB 03/03868

**Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-27
Inventive step (IS)	Yes: Claims	
	No: Claims	1-27
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

SEARCHED *SEARCHED*
**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY
(SEPARATE SHEET)**

International application No.

PCT/IB 03/03868

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-B1-6 219 697 (LING SALIM ET AL) 17 April 2001 (2001-04-17)
D2: US-A-6 122 287 (LOEBBERT ACHIM ET AL) 19 September 2000 (2000-09-19)

1. Although independent claim 1 is not clear (see Item 8), the present application does not seem to meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

A system for providing data communication between modules connected through port connectors (column 1, lines 21-22: "interconnects ... modules"), wherein said modules are adapted to communicate a data package (fig. 7c) comprising in a layered structure a physical layer (column 1, lines 57-67) comprising a first and second segment for encapsulating other layers in said package (fig. 7c, "CPH", "IP packet"), a data link layer comprising a first header with a payload type (fig. 7c: "protocol_type") and a second header field for a data link layer version (fig. 7c, "pn-version"), and a network/transport layer comprising a third header for a transmitting modules address (fig. 7c, ip_source_address), a fourth header field for a length of said data package (fig. 7c, ip_total_length) and data payload (fig. 7c ip_data).

2. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 18 and 24-27 which therefore are also considered not new.
3. Dependent claims 2-17 and 19-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see document D1 and the corresponding passages cited in the search report.

Re Item VIII

Independent Claims 1, 18 and 24-27 are not clear (Article 6 PCT), because it is not defined how the "first and second segments" are limited from each other, i.e. which fields are in which segments. Furthermore, to define segments alone does not provide a technical effect.

Further it is unclear if the "transmitting module's address" is the source or destination address.

The "length of said data package" seems to include all the layer headers in the total length. It is not clear how this information would be provided in the network layer as layers usually give information about layers above and not below.

The whole layout of claim 1 does not suggest any difference to the standard OSI layer model. If such difference exist, it should be reflected in the correct two part form of the claim.